

Customer No. 28880

Confirmation No. 8142

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/748,340	
	Filing Date	December 30, 2003	
	First Named Inventor	Mark A. Dombroski	
	Art Unit	1624	
	Examiner Name	V. Balasubramanian	
Total Number of Pages in This Submission	11	Attorney Docket Number	PC25161A

**RECEIVED**  
**CENTRAL FAX CENTER**  
**OCT 12 2005**

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Exhibits A-D
Remarks _____ Authorization is hereby given to charge the fee and any additional fees as necessary or credit any overpayment to Deposit Account 23-0455.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Pfizer Inc.		
Signature	<i>Todd M. Crissey</i>		
Printed name	Todd M. Crissey		
Date	Oct. 12, 2005	Reg. No.	37,807

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature	<i>Cindy Malocha</i>		
Typed or printed name	Cindy Malocha	Date	October 12, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

USPTO Fax No. 571-273-8300

RECEIVED  
CENTRAL FAX CENTER

OCT 12 2005

PC25161A

---

**Certification Under 37 C.F.R. § 1.8**

I hereby certify that this correspondence and any attachments are, on the date below, being:

[X] facsimile transmitted to the Patent and Trademark Office, facsimile number 571-273-8300.

Date: 10-12-05

Cindy Malocha  
Signature  
Cindy Malocha  
Typed/Printed Name of Person Making  
Certification

---

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

APPLICANT : DOMBROSKI ET AL. EXAMINER: V. Balasubramanian  
SERIAL NO : 10/748,340 ART UNIT: 1624  
FILED : December 30, 2003 CONF. NO.: 8142  
FOR : BENZAMIDE INHIBITORS OF THE P2X<sub>7</sub> RECEPTOR

**PETITION UNDER 37 C.F.R. § 1.181  
TO WITHDRAWAL HOLDING OF ABANDONMENT**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants petition under 37 C.F.R. § 1.181 to have the holding of abandonment withdrawn in the patent application identified above. The referenced patent application was held abandoned for failure to pay the issue fee. However, Applicants facsimile

Dombroski et al.

- 2 -

10/748,340

transmitted to the U.S. Patent and Trademark Office completed form PTOL-85 and authorized payment of the issue and publication fees to deposit account number 23-0455 on March 8, 2005, which was before the April 13, 2005, deadline.

#### **Action Requested**

Applicants request that the holding of abandonment be withdrawn and that the above-identified patent application be issued as a patent.

#### **Statement of Facts and Points to be Considered**

In August 2005, I used PAIR to follow the progress of the above-identified application to issuance as a patent. I discovered that PAIR did not show receipt of the fee(s) transmittal form PTOL-85, which was facsimile transmitted to the U.S. Patent and Trademark Office on March 8, 2005. I then spoke with Examiner Balasubramanian, the examiner handling this application, who confirmed that the U.S. Patent and Trademark Office did not show receipt of the fee(s) transmittal form PTOL-85.

On August 23, 2005, I submitted by facsimile to the U.S. Patent and Trademark Office a document titled "Communication Concerning Papers Not Received in the Patent and Trademark Office under 37 C.F.R. §1.8(b)," which Communication and Attachments thereto are hereby incorporated by reference. PAIR shows that this Communication was received in the U.S. Patent and Trademark Office. The Communication was drafted in accordance with 37 C.F.R. § 1.8(b) and contained a request to consider the previously submitted form PTOL-85 and requested issuance of the application as a patent. Attachments to the Communication included the required Statement under 37 C.F.R. §1.8(b) by a person attesting to personal knowledge, an additional copy of form PTOL-85 and the transmitting facsimile's confirmation report. Attached to this petition as Exhibits A to D are the Communication and Attachments.

On August 25, 2005, the status of the patent application was changed in PAIR to "Abandoned -- Failure to Pay Issue Fee".

On September 20, 2005, I noticed that the status of the patent application still showed abandoned in PAIR. I telephoned Examiner Balasubramanian to inquire when

Dombroski et al.

- 3 -

10/748,340

action would be taken on the Communication that was filed on August 23, 2005. Examiner Balasubramanian suggested that I call the general information number with my inquiry, and the person I spoke with there then directed me to the Publishing Division. I tried unsuccessfully to reach someone in the Publishing Division twice on August 23, 2005, and was unable to leave a voice mail message. I then called James O. Wilson, acting SPE of art unit 1624, and spoke with him about the abandonment and Communication. Examiner Wilson agreed to look into the issue.

On September 27, 2005, Examiner Wilson telephoned me and recommended I speak with George Poindexter in the Publications Division. I then called Mr. Poindexter who indicated that he was not familiar with the provisions of 37 C.F.R. 1.8(b) and recommended that I file a Petition to Revive.

After reviewing the rules and conditions for filing a Petition to Revive under either 37 C.F.R. § 1.137 (a-unavoidable) or (b-unintentional) and finding that they did not appear to cover the present fact situation, I called the Office of Petitions on October 11, 2005, who recommended that I file this Petition under 37. C.F.R. § 1.181 and referenced MPEP section 711.03(C).

Because the fee(s) transmittal form PTOL-85 was timely submitted on March 8, 2005, as supported by the Statement of Facts above and the Communication and accompanying Attachments filed in the U.S. Patent and Trademark Office on August 23, 2005, Applicants request that the holding of abandonment be withdrawn and that the patent application be issued as a patent.

Dombroski et al.

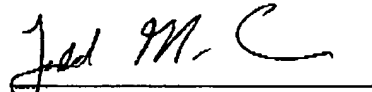
- 4 -

10/748,340

No fee is believed to be due in connection with this Petition. However, should a fee be deemed due, the Commissioner is hereby authorized to charge any fee to Deposit Account No. 23-0455.

Respectfully submitted,

Dated: Oct. 12, 2005

  
Todd M. Crissey  
Registration No. 37,807  
Pfizer Inc.  
2800 Plymouth Road  
Ann Arbor, MI 48105  
Telephone: (734) 622-7813  
Facsimile: (734) 622-1553

Exhibits:

- A-Communication Concerning Papers Not Received in the Patent and Trademark Office under 37 C.F.R. §1.8(b)
- B-Statement Under 37 C.F.R. §1.8(b)(3)
- C-Original Completed Form PTOL-85
- D-Confirmation Report from Transmitting Facsimile

PC25161A

---

**Certification Under 37 C.F.R. § 1.8**

I hereby certify that this correspondence and any attachments are, on the date below, being:

☒ facsimile transmitted to the Patent and Trademark Office, facsimile number 571-273-8300.

Date: 8-23-05

Lucinda M. Malocha  
Signature

Lucinda M. Malocha

Typed/Printed Name of Person Making  
Certification

6 pages total

---

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

APPLICANT :	DOMBROSKI ET AL.	EXAMINER:	V. Balasubramanian
SERIAL NO :	10/748,340	ART UNIT:	1624
FILED :	December 30, 2003	CONF. NO.:	8142
FOR :	BENZAMIDE INHIBITORS OF THE P2X <sub>7</sub> RECEPTOR		

**Communication Concerning Papers Not Received in the  
Patent and Trademark Office under 37 C.F.R. § 1.8(b)**

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sirs:

On Thursday, August 28, 2005, I used PAIR to determine the progress of the above-identified application to issuance as a patent. I discovered that PAIR did not show receipt of the fee(s) transmittal form PTOL-85, which was facsimile transmitted to the U.S. Patent and Trademark Office on March 8, 2005. I then spoke with Examiner

Dombroski et al.

- 2 -

10/748,340

Balasubramanian, the examiner handling this application, who confirmed that the U.S. Patent and Trademark Office did not show receipt of the fee(s) transmittal form PTOL-85.

Because the fee(s) transmittal form PTOL-85 was timely submitted on March 8, 2005, applicants hereby inform the U.S. Patent and Trademark Office in accordance with 37 C.F.R. § 1.8(b) of the previous transmission of the fee(s) transmittal form PTOL-85, supply an additional copy of the transmitted form PTOL-85, which included in it a signed and dated Certificate of Transmission, and provide a Statement as required by 37 C.F.R. § 1.8(b)(3) made by the assistant, Lucinda M. Malocha, who completed the fee(s) form and facsimile transmitted it to the U.S. Patent and Trademark Office on March 8, 2005. Also enclosed as proof of facsimile transmittal of completed Form PTOL-85 is a copy of the transmitting facsimile machine's Confirmation Report.

Applicants hereby request that the U.S. Patent and Trademark Office consider the previously submitted form as timely and proceed to issue the application.

Respectfully submitted,

Dated: 8/23/2005



Todd M. Crissey  
Registration No. 37,807  
Pfizer Inc.  
2800 Plymouth Road  
Ann Arbor, MI 48105  
Telephone: (734) 622-7813  
Facsimile: (734) 622-1553.

Attachments:

Statement Under 37 C.F.R. §1.8(b)(3)  
Original Completed Form PTOL-85  
Confirmation Report

PC25161A

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

APPLICANT : DOMBROSKI ET AL. EXAMINER : V. Balasubramanian  
SERIAL NO : 10/748,340 ART UNIT: 1624  
FILED : December 30, 2003 CONF. NO.: 8142  
FOR : BENZAMIDE INHIBITORS OF THE P2X<sub>7</sub> RECEPTOR

Statement Under 37 C.F.R. § 1.8(b)(3) Attesting to  
Personal Knowledge of Timely Transmission

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sirs:

On March 8, 2005, I performed the following actions:

- 1.) I filled out Form PTOL-85, titled "Part B- Fee(s) Transmittal," which form accompanied the paper titled "Notice of Allowance Fee(s) Due" mailed January 13, 2005;
- 2.) I gave the completed Form PTOL-85 to attorney Steven R. Eck (Reg. No. 36,126) for review and signature;
- 3.) Next I dated and signed the Certificate of Mailing or Transmission on Form PTOL-85;
- 4.) I then transmitted the completed Form PTOL-85 to facsimile number (703) 746-4000; and
- 5.) At 2:57 pm I received a Confirmation Report from the sending facsimile machine indicating that the facsimile was successfully transmitted to (703) 746-4000. Attached is a copy of the Confirmation Report and the original document that was transmitted by facsimile.



Dombroski et al.

- 2 -

10/748,340

Date:

Signed: Lucinda M. Malocha  
Lucinda M. Malocha  
Administrative Lead  
Pfizer Inc.

## PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail**

Mail Stop ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
or Fax (703) 746-4000

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

28880 7590 01/13/2005

WARNER-LAMBERT COMPANY  
2800 PLYMOUTH RD  
ANN ARBOR, MI 48105

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

Cindy Malocha	(Depositor's Name)
<i>Cindy Malocha</i>	(Signature)
March 8, 2005	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10748340	12/30/2003	Mark A. Dombroski	PC25161A	8142

TITLE OF INVENTION: BENZAMIDE INHIBITORS OF THE P2X7 RECEPTOR

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$1700	04/13/2005
EXAMINER	ART UNIT	CLASS-SUBCLASS			
BALASUBRAMANIAN, VENKATARAMAN	1624	514-242000			

## 1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list  
(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,  
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1. Pamela C. Ancona  
2. Eric J. Baude  
3. Steven R. Eck

## 3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

## (A) NAME OF ASSIGNEE

Pfizer Inc.

## (B) RESIDENCE: (CITY and STATE OR COUNTRY)

New York, NY

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

## 4a. The following fee(s) are enclosed:

- ☒ Issue Fee  
☒ Publication Fee (No small entity discount permitted)  
☐ Advance Order - # of Copies \_\_\_\_\_

## 4b. Payment of Fee(s):

- ☐ A check in the amount of the fee(s) is enclosed.  
☐ Payment by credit card. Form PTO-2038 is attached.  
☒ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number 2308455 (enclose an extra copy of this form).

## 5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant, a registered attorney or agent, or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

*Steven R. Eck*

Date

March 8, 2005

Typed or printed name

Steven R. Eck

Registration No.

36,426

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

